

Brenda H. Entzminger
Nevada Bar No. 9800
Siria L. Gutiérrez
Nevada Bar No. 11981
PHILLIPS, SPALLAS & ANGSTADT LLC
504 S. Ninth St.
Las Vegas, Nevada 89101
(702) 938-1510

*Attorneys for Defendant
Wal-Mart Stores, Inc.*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TYANIKA BADGER,

Plaintiff,

v.

WAL-MART STORES, INC., (a Delaware corporation, erroneously identified as) a foreign Nevada corporation dba WAL-MART STORE #1559; and DOES EMPLOYEES/AGENTS I through XX; DOES I through X; ROE CORPORATIONS A through Z; inclusive,

Defendants.

Case No.: 2:11-cv-01609-KJD-CWH

**PROPOSED ORDER DISMISSING
ACTION**

Pursuant to the Court's directive, issued during the July 16, 2013, hearing in this matter, Defendant Wal-Mart Stores, Inc. hereby submits this Proposed Order:

At Calendar Call on July 16, 2013, Plaintiff Tyanika Badger failed to appear. (Docket #46). Plaintiff's failure to appear violated this Court's Order of July 8, 2013, which required each party to appear at Calendar Call or face sanctions. (Docket #45). At Calendar Call on July 16, 2013, Counsel for Wal-Mart Stores, Inc. advised the Court that she had made a telephone call to Plaintiff the day prior, on July 15, 2013, and left a voicemail message, but had not received a return call. (Docket #46). The Court had been in session for approximately 40 minutes by the time the Court called the *Badger v. Wal-Mart Stores, Inc.* matter. (Docket #46).

//

1 On May 8, 2013, the Court Ordered the parties to appear at a Status Conference for trial setting
2 on May 28, 2013. (Docket #40). Plaintiff violated the Court's May 8 Order by failing to appear at the
3 May 28, 2013 hearing. (Docket #43).

4 On April 30, 2013, the Court granted Plaintiff's Emergency Motion to Withdraw and during
5 that hearing, the Court advised Plaintiff Tyanika Badger that if she did not obtain substitute counsel
6 within 30 days, she would proceed *pro se* and would be required to proceed with the case on her own.
7 (Docket #36).

8 Pursuant to Federal Rules of Civil Procedure Rule 41(b), and Local Rule IA 4-1, Plaintiff's
9 violations of the Court's Orders warrant dismissal actions. It is hereby Ordered, the action is
10 dismissed.
11

12 DATED this 26 day of July, 2013.

13
14 **IT IS SO ORDERED:**

15 

16 _____
17 **UNITED STATES DISTRICT JUDGE**
18 **KENT J. DAWSON**

19 **PHILLIPS, SPALLAS & ANGSTADT LLC**

20 /s/ Brenda H. Entzminger

21 Brenda H. Entzminger
22 Nevada Bar No. 9800
23 Siria L. Gutiérrez
24 Nevada Bar No. 11981
504 South Ninth Street
Las Vegas, Nevada 89101
(702) 938-1510

25 *Attorneys for Defendant*
26 *Wal-Mart Stores, Inc.*
27
28